

PETER GOODMAN
 Attorney at Law
 State Bar No. 65975
 400 Montgomery Street, Second Floor
 San Francisco, California 94104
 Telephone: (415) 781-8866
 Facsimile: (415) 781-2266
 E-Mail: goodmanlawoffice@att.net

Attorney for Defendant
 DANIEL SANTIAGO

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

12	UNITED STATES OF AMERICA,)	CR-12-0665 RS
13	Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
14	vs.)	MODIFYING BRIEFING SCHEDULE AND
15	DANIEL SANTIAGO,)	HEARING DATE RE <i>DAUBERT</i> MOTION
16	Defendant.)	AND EXCLUDING TIME UNDER 18 U.S.C.
)	§§3161(h)(7)(A) AND (h)(7)(B)(iv) OF THE
)	<u>SPEEDY TRIAL ACT</u>

The United States of America, by its attorneys, Melinda Haag, United States Attorney for the Northern District of California, and Special Assistant United States Attorneys ("AUSAs") Marc Price Wolf and Arianna Berg, and defendant DANIEL SANTIAGO, by his attorney, Peter Goodman, hereby submit this Stipulation and [Proposed] Order requesting that the briefing schedule and the hearing date on the defense *Daubert* motion set on October 18, 2013, be modified as provided herein. The previous schedule required the defendant to file his opening brief on October 28, 2013, the government to file its opposition on November 25, 2013, and the defendant to file his reply on December 6, 2013, with a hearing on the motion to occur on December 17, 2013. Preparation of the motion has taken considerably longer than the defense anticipated and the parties are agreed that a modification

1 of the previous schedule is appropriate. Therefore, the parties stipulate and agree that
2 the briefing schedule and the hearing date be modified to provide that the defense shall
3 file its opening brief on November 22, 2013, the government will file its opposition on
4 December 20, 2013, the defense will file its reply on December 30, 2013, and a hearing
5 will occur on January 10, 2014, at 2:00 p.m.

6 The defendant is out of custody residing at a halfway house. Given his release
7 from custody, the defendant is agreeable to a further exclusion of time pursuant to 18
8 U.S.C. §§3161(h)(7)(A) and (h)(7)(B)(iv) of the Speedy Trial Act from the date of this
9 Stipulation until the date all pretrial motions in his case are decided.

10 SO STIPULATED

11 DATED: November 13, 2013

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13 MELINDA HAAG
14 United States Attorney

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16 By: /s/
17 MARC PRICE WOLF
Special Assistant United States Attorney

18 SO STIPULATED

19 DATED: November 13, 2013

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21 /s/
22 PETER GOODMAN
23 Attorney for Defendant
DANIEL SANTIAGO

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ORDER MODIFYING BRIEFING SCHEDULE AND HEARING DATE
FOR *DAUBERT* MOTION AND EXCLUDING TIME PURSUANT TO 18
U.S.C. §§3161(h)(7)(A) and (h)(7)(B)(iv) OF THE SPEEDY TRIAL ACT

Based on the stipulation of the parties and good cause appearing, IT IS HEREBY ORDERED that the briefing schedule on the defense *Daubert* motion and the hearing date on said motion previously set on October 18, , 2013, be modified to provide that: 1) the defense will file its opening brief on November 22, 2013; 2) the government will file its opposition on December 20, 2013; 3) the defense will file its reply on December 30, 2013; and 4) the hearing on the motion will be held on January 10, 2014, at 2:00 p.m.

Based on the stipulation of the parties and good cause appearing, the Court finds that time should properly be excluded pursuant to 18 U.S.C. §§3161(h)(7)(A) and (B)(iv) of the Speedy Trial Act from the date of this Order until all pretrial motions in this case are decided in the interests of justice and to ensure effective assistance of counsel.

DATED: 11/14/13



RICHARD SEEBORG
UNITED STATES DISTRICT COURT JUDGE